

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

MAXUS METROPOLITAN, LLC,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 20-cv-0095-FJG
	)	
TRAVELERS PROPERTY CASUALTY	)	
COMPANY OF AMERICA,	)	
	)	
Defendant.	)	

**NOTICE OF DEPOSITION OF RULE 30(B)(6) REPRESENTATIVE  
OF BOMASADA BIRMINGHAM METROPOLITAN, LLC**

TO: Bomasada Birmingham Metropolitan, LLC  
c/o Jason Johns  
Weycer, Kaplan, Pulaski & Zuber, P.C.  
24 Greenway Plaza, Suite 2050  
Houston, TX 77046

Please take notice that, pursuant to Fed. R. Civ. P. 30(b)(6), Plaintiff Maxus Metropolitan, LLC will take the oral deposition of Bomasada Birmingham Metropolitan, LLC. beginning at 9:00 a.m. on February 24, 2021, and continuing thereafter from day to day until completed. Bomasada Birmingham Metropolitan, LLC will testify as to certain topics set forth in the attached Exhibit A and is requested to produce the documents listed in Exhibit B at such deposition. The deposition will take place via Zoom before a certified court reporter and will be recorded digitally, as well as by stenographic means.

Dated: January 29, 2021

Respectfully submitted,

LATHROP GPM LLP

/s/ Kimberly K. Winter

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Attorneys for Plaintiff

Maxus Metropolitan, LLC

## **EXHIBIT A**

### **SUBJECTS OF TESTIMONY**

1. Bomasada's general understanding of the state of completion of the Metropolitan, as a whole, at the time of the fire at the Metropolitan on September 27, 2018.
2. Details regarding construction work actually performed or to be performed at each phase of the Metropolitan at the time of the fire on September 27, 2018.
3. The identities of subcontractors performing work at the Metropolitan on or before September 27, 2018.
4. Details regarding the types and amounts of materials previously installed or on site awaiting installment at the Metropolitan at the time of the fire on September 27, 2018.
5. Bomasada's understanding of the percentage of completion of each category or component of construction at the time of the fire on September 27, 2018 including the percentage of completion of the following:
  - (a) Concrete, including foundation, lightweight concrete for balconies and stairwells, gypcrete, and soundmat;
  - (b) Asphalt;
  - (c) Demolition;
  - (d) Doors, including interior door hardware and accessories;
  - (e) Drywall, including labor and materials, scaffolding and pre-rock;
  - (f) Electrical, including rough-in, SER cable, unit panels, Fire alarm system, cable TV, VOIP phone;
  - (g) Appliances;

- (h) Excavation work, including testing, underground utilities, geo-pier system, soil treatment, erosion control, temporary driveways, sidewalks, and landscaping;
- (i) Fencing;
- (j) Fire Protection Systems, including sprinklers, piping rough-ins, and trim-out;
- (k) Framing and rough carpentry, including floor roof trusses, framing hardware, finish carpentry, cabinets and countertops;
- (l) Glass, glazing, and storefront;
- (m) Heating, venting and air conditioning;
- (n) Insulation;
- (o) Masonry, including brick, stucco, and CMU elevator shaft;
- (p) Moisture protection;
- (q) Metal structures and components, including ornamental iron, structural steel bridge, and metal stairs;
- (r) Plumbing;
- (s) Painting, interior and exterior;
- (t) Roofing, including TPO roofing, cap flashings, gutters and downspouts;
- (u) Scaffolding;
- (v) Siding;
- (w) Soffit, fascia, and guttering;
- (x) Steel components;
- (y) Stucco and exterior plaster;

- (z) Windows, including Sliding Patio Doors, vinyl windows, hollow metal doors, re-glazing and hardware;
- (aa) Specialties, including turnkey flooring, final cleaning, and other special construction; and
- (bb) Elevators.

**EXHIBIT B**

**DOCUMENTS REQUESTED**

1. All contracts between Bomasada and any subcontractors or other third parties performing construction work at the Metropolitan prior to the fire on September 27, 2018.
2. All payment applications with supporting backup (including evidence of payment and correspondence with any of Bomasada's subcontractors) between Bomasada and subcontractors or other third parties performing construction work at the Metropolitan prior to the fire on September 27, 2018.
3. Documentation providing the names and contact information of all subcontractors used by Bomasada to perform any construction-related work at the Metropolitan on or before September 27, 2018.